

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: WORLD TRADE CENTER  
DISASTER SITE LITIGATION

21 MC 100 (AKH)

**DECLARATION OF ALYSON N.  
VILLANO, ESQ., IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS  
CERTAIN PLAINTIFFS' CLAIMS WITH  
PREJUDICE FOR FAILURE TO  
PROSECUTE PURSUANT TO FEDERAL  
RULE OF CIVIL PROCEDURE 41(b)**

Alyson N. Villano, under penalty of perjury, declare as follows:

1. I am an associate with the firm Patton Boggs LLP, counsel for the Defendants the City of New York and the Contractors<sup>1</sup> (collectively "Defendants") in the above-captioned consolidated action.
2. I respectfully submit this Declaration in support of Defendants' Motion to Dismiss Certain Plaintiffs' Claims with Prejudice for Failure to Prosecute Pursuant to Federal Rule of Civil Procedure 41(b).
3. Attached hereto as Exhibit A is a true and correct copy of excerpts from the March 22, 2011 Court Conference transcript.
4. Attached hereto as Exhibit B is a true and correct copy of the March 25, 2011 letter from Joseph E. Hopkins, Esq. to Christopher LoPalo, Esq. sent via overnight delivery.
5. Attached hereto as Exhibit C is a true and correct copy of excerpts from the April 15, 2011 Court Conference transcript.

<sup>1</sup> AMEC Construction Management, Inc., AMEC Earth & Environmental, Inc., Bovis Lend Lease LMB, Inc., Evergreen Recycling of Corona (E.R.O.C.), Plaza Construction Corp., Tully Construction Co., Inc., Turner Construction Company, and Turner/Plaza, A Joint Venture, as well as the entities identified in Exhibit A to the Final Settlement Agreement.

6. Attached hereto as Exhibit D is a true and correct copy of excerpts from the July 25, 2011 Court Conference transcript.

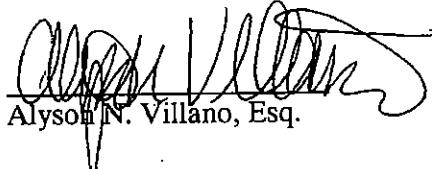
7. Attached hereto as Exhibit E is a true and correct listing of the seventeen (17) plaintiffs who have failed to produce signed HIPAA compliant authorizations to Defendants in compliance with the Court's orders.

8. I participated in two "meet and confer" calls with Joseph E. Hopkins, Esq. and Christopher LoPalo, Esq. to address Plaintiffs' Counsel's failure to produce authorizations for certain plaintiffs on both August 11, 2011, and August 17, 2011.

9. Attached as Exhibit F is a true and correct copy of the joint letter submitted to the Court on August 19, 2011 (exhibits omitted), which was endorsed by the Court on August 24, 2011.

10. Attached hereto as Exhibit G is a true and correct copy of the August 22, 2011 letter from Suzanne M. Christel to Christopher LoPalo, Esq. of Napoli Bern sent via first class and electronic mail.

Dated: August 26, 2011  
Newark, New Jersey



Alyson N. Villano, Esq.